

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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NFL PROPERTIES LLC, PDB SPORTS, LTD :
d/b/a DENVER BRONCOS, and FOOTBALL : 14 - cv - 0470 (SRC)
NORTHWEST LLC d/b/a SEATTLE :
SEAHAWKS, :
 :
Plaintiffs, :
 :
v. :
 :
DOES 1 through 100, inclusive, :
 :
Defendants. :
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DEFAULT JUDGMENT ORDER

Plaintiffs NFL Properties LLC (“NFLP”), PDB SPORTS, LTD d/b/a DENVER BRONCOS (the “Denver Broncos”), and FOOTBALL NORTHWEST LLC d/b/a SEATTLE SEAHAWKS (the “Seattle Seahawks”) (collectively, “Plaintiffs”) having commenced this action by filing their Verified Complaint on January 23, 2014;

Plaintiffs having sought and the Court having entered an *ex parte* Temporary Restraining Order and Seizure Order on January 27, 2014 (the “January 27, 2014 Order”);

Plaintiffs having seized counterfeit items from Defendants Heung J. Kim; M.D. Islam; Kevin J. Kunz; Jin Lee; Joel Nunez; Jayes Solanki; and Frank J. Tolacka III pursuant to the January 27, 2014 Order, and having served these Defendants with the Verified Complaint;

Plaintiffs having sought and the Court having entered a Preliminary Injunction and Seizure Confirmation Order on February 7, 2014;

No Defendant having filed an Answer, appeared in this action, contested Plaintiffs’ seizures, or otherwise pled or appeared in this action, and the time for answering the Verified

Complaint having expired; and

Plaintiffs having provided adequate notice to the Defendants and the United States Attorney for the District of New Jersey of their intent to dispose of the seized items,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. This is an action for trademark counterfeiting arising under the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473 (October 12, 1984), and the Prioritizing Resources and Organization for Intellectual Property Act of 2007, H.R. 4279 (October 13, 2008) (the “Lanham Act”), and under the laws of the State of New Jersey.
2. The Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1332 and 1338(a) and (b); 15 U.S.C. §§ 1116 and 1121; and pursuant to pursuant to the principles of supplemental jurisdiction and 28 U.S.C. § 1367.
3. The Court has personal jurisdiction over Defendants Heung J. Kim; M.D. Islam; Kevin J. Kunz; Jin Lee; Joel Nunez; Jayes Solanki; and Frank J. Tolacka III because each Defendant, by engaging in the conduct described herein, transacted business in the State of New Jersey, committed tortious acts in the State of New Jersey, and injured Plaintiffs and the public in the State of New Jersey.
4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(a) in that the Defendants are entities or individuals subject to personal jurisdiction in this District.
5. Plaintiffs own and/or control the federal and New Jersey trademarks identified in the registration certificates annexed as Exhibits A, B, C, and D to the Verified Complaint (collectively, the “NFL Trademarks”).
6. Defendants Heung J. Kim; M.D. Islam; Kevin J. Kunz; Jin Lee; Joel Nunez; Jayes

Solanki; and Frank J. Tolacka III unlawfully, and without Plaintiffs' authorization, offered for sale and/or sold merchandise bearing counterfeits of the NFL Trademarks in New Jersey in connection with Super Bowl XLVIII. This conduct constitutes federal trademark counterfeiting in violation of 15 U.S.C. § 1114, and New Jersey trademark counterfeiting in violation of N.J.S.A. 56:3-13.16.

7. Judgment is entered for Plaintiffs and against Defendants Heung J. Kim; M.D. Islam; Kevin J. Kunz; Jin Lee; Joel Nunez; Jayes Solanki; and Frank J. Tolacka III on Plaintiffs' claims for federal trademark counterfeiting under 15 U.S.C. § 1114, and New Jersey trademark counterfeiting under N.J.S.A. 56:3-13.16.

8. Plaintiffs may dispose of the counterfeit items seized pursuant to the January 27, 2014 Order from Defendants Heung J. Kim; M.D. Islam; Kevin J. Kunz; Jin Lee; Joel Nunez; Jayes Solanki; and Frank J. Tolacka III by donating such items abroad through third-party organizations or otherwise, or only if reasonably necessary, by destroying such items.

9. Plaintiffs' bond in the amount of \$30,000 (Bond Number CGB 9140088) is hereby exonerated, and the Clerk of the Court shall release the bond to Plaintiffs' counsel.

Dated: June 2, 2014

SO ORDERED:

Honorable Stanley R. Chesler
United States District Judge